

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

TYCO FIRE PRODUCTS LP,

*Plaintiff,*

v.

AIU INSURANCE COMPANY, *et al.*

*Defendants.*

Civil Action No. 2:23-cv-02384-RMG

Hon. Richard M. Gergel

**JOINT STATUS REPORT**

Pursuant to the Court’s Order dated August 1, 2024 (ECF 326), Plaintiff Tyco Fire Products LP (“Tyco”) and the Non-Settled Insurer Defendants identified in paragraph 1 below (collectively, the “Parties”) respectfully submit this Joint Status Report.

**Remaining Defendants and Claims**

1. The Non-Settled Insurer Defendants that remain parties to this action are:
  - (a) **Allianz:** Allianz Global Risks US Insurance Company.
  - (b) **Liberty:** Hamilton Insurance Designated Activity Company, Liberty Surplus Insurance Corporation, and Ohio Casualty Insurance Company.
  - (c) **SCOR:** General Security Indemnity Company of Arizona.
  - (d) **Starr:** Starr Indemnity and Liability Insurance Company.
  - (e) **Travelers:** Travelers Casualty and Surety Company (f/k/a The Aetna Casualty and Surety Company) and The Travelers Indemnity Company.

2. Defendant TIG Insurance Company (“TIG”) also remains a party to this action, but as Tyco and TIG reported on July 26, 2024 (ECF 315), they have reached a settlement-in-principle, which they are working expeditiously to finalize through a formal written agreement. Tyco and TIG have agreed to hold in abeyance their claims and contentions against each other in this action pending the finalization of their formal written agreement.

3. Tyco continues to seek Declaratory Judgment and Other Relief against the Non-Settled Insurer Defendants as set forth in Counts II and III of Tyco's Amended Complaint in this action and its associated Prayer for Relief (ECF 32). Due to Tyco's settlement with the AIG Insurers, Tyco no longer seeks relief with respect to Count I of Tyco's Amended Complaint, which was addressed solely to certain AIG Insurers, and the Court already has dismissed the AIG Insurers from this action (ECF 307).

### **Pending Motions**

4. Pursuant to the Second Amended Scheduling Order (ECF 309), Tyco and Travelers have each filed dispositive motions and *Daubert* motions, which currently are being briefed, with responses due by August 21 and replies due by September 6. These motions are:

- (a) Travelers' Motions (ECF 313, 316, 317, 320).
  - (i) Travelers' Motion for Partial Summary Judgment on Allocation and Non-Cumulation/Prior Insurance Under the Travelers Excess Policies Issued to Tyco Laboratories, Inc. (ECF 313);
  - (ii) Travelers' Motion to Exclude Tyco Fire Products LP's Proposed Expert Dr. Hassan Amini (ECF 316);
  - (iii) Travelers' Motion to Exclude Tyco Fire Products LP's Proposed Expert Dr. Edward Gabrielson (ECF 317); and,
  - (iv) Travelers' Motion for Partial Summary Judgment on the Application of Certain Pollution Exclusions (ECF 320).
- (b) Tyco's Motions (ECF 323, 324, 325).
  - (i) Tyco's Motion to Exclude Insurers' Proffered Expert Witness Testimony from David F. Goldsmith, James J. Connors, and Michael L. Averill (ECF 323);
  - (ii) Tyco's Motion for Partial Summary Judgment Against Travelers Regarding "Prior Insurance" Provisions (ECF 324); and,
  - (iii) Tyco's Motion for Partial Summary Judgment that Travelers Has Not Satisfied its Duty to Defend (ECF 325).

5. Separately, due to Tyco's settlement with the AIG Insurers and its settlement-in-principle with TIG, Tyco confirms that the following two motions for partial summary judgment that Tyco previously filed in March 2024 are now moot and have been withdrawn: (a) Tyco's Motion for Partial Summary Judgment Against AIG and TIG Regarding Certain "Pollution Exclusions" (ECF 256), and (b) Tyco's Motion for Partial Summary Judgment Against AIG on Deductibles and Retentions (ECF 257).

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The Parties appreciate the Court's continued attention to this matter.

Dated: August 12, 2024

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